

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DAMON EUGENE WALKER, )  
Plaintiff, ) 8:04cv514  
vs. ) MEMORANDUM AND ORDER  
OFFICER THOMAS, )  
Defendant. )

This matter is before the court on the following pending motions: (1) filing no. 29, the plaintiff's Motion for help concerning harassment; (2) filing no. 32, the defendant's Motion for Extension of Time in the Progression Order; and (3) filing no. 33, the plaintiff's Objection to Extension of Progression Order deadlines. In his complaint, the plaintiff, Damon Eugene Walker, an inmate at the Douglas County Correctional Center ("DCCC"), asserts federal civil rights claims pursuant to 42 U.S.C. § 1983 against a corrections officer at DCCC who accused the plaintiff of misconduct, with the result that the plaintiff was placed in lockdown for four days.

In filing no. 29, the plaintiff does not actually move for relief of any kind. He simply informs the court of an alleged continuing pattern of harassment by the defendant. Therefore, the court notes the plaintiff's allegations. To that extent, filing no. 29 is granted, and filing no. 29 is otherwise denied as moot.

In filing no. 32, the defendant requests extensions of time nunc pro tunc to file a motion for summary judgment and a proposed final pretrial order. The plaintiff opposes the requested extension. However, extensions of time are freely granted to pro se plaintiffs, and it is only fair to grant the same courtesy to defendants in such cases. Therefore, filing no. 32 will be granted, and filing no. 33, the plaintiff's Objection, will be overruled.

I note that the defendant's Motion for Summary Judgment has been filed. The plaintiff is advised that it is very risky not to respond to such a motion, because a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end the case. Therefore, the plaintiff shall have until January 30, 2006 to respond to the defendant's Motion for Summary Judgment.

**IT IS THEREFORE ORDERED:**

1. That filing no. 29, the plaintiff's Motion for help concerning harassment, is granted insofar as the court notes the plaintiff's allegations of harassment, and is otherwise denied;

2. That filing no. 32, the defendant's Motion for Extension of Time in the Progression Order, is granted nunc pro tunc, in that the defendant's Motion for Summary Judgment filed on September 15, 2005 was timely, and that the Proposed Order on Final Pretrial Conference shall be submitted, if appropriate, within 60 days after a decision on the defendant's Motion for Summary Judgment;

3. That filing no. 33, the plaintiff's Objection to Extension of Progression Order deadlines, is denied;

4. That filing no. 33, part 2, the "Motion for Information," shall be termed from the appropriate motions lists by the Clerk of Court; and

5. That the plaintiff shall have until January 30, 2006 to respond to the defendant's Motion for Summary Judgment.

DATED this 16<sup>th</sup> day of November, 2005.

BY THE COURT:

s/ F. A. GOSSETT  
United States Magistrate Judge